IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 23985 of 2007(E)

PETITIONER:

THE MANAGER,
K.R.G.P.M. HIGHER SECONDARY SCHOOL, ODANAVATTAM,
KOTTARAKKARA, KOLLAM DISTRICT.

BY ADV. SRI.GEORGE POONTHOTTAM.

RESPONDENTS:
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1. THE DIRECTOR OF HIGHER SECONDARY
EDUCATION, HOUSING BORAD BUILDING, SANTHI NAGAR,
THIRUVANANTHAPURAM.

2. SMT. MARY JOHN,
HSST, K.R.G.P.M. HIGHER SECONDARY SCHOOL,
ODANAVATTAM, KOTTARAKKARA, KOLLAM DISTRICT.

3. SREELEKHA H.,
PRINCIPAL, K.R.G.P.M. HIGHER SECONDARY SCHOOL,
ODANAVATTAM, KOTTARAKKARA, KOLLAM DISTRICT.

BY GOVT. PLEADER SRI. T.T. MUHAMOOD,
ADV. SRI.SATHISH NINAN,
SRI.SANTHOSH MATHEW,
SMT.I.SHEELA DEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO. 23985/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PROCEEDINGS NO. ACD.B3/12035/HSE/2004 DTD. 01/08/2004 ISSUED BY THE R.1.

EXT.P.2: COPY OF THE NOTIFICATION NO. 01/2005 DTD. 18/01/2005.

EXT.P.3: COPY OF THE PROCEEDINGS NO. B3/19268/HSE/2004 DTD. 01/02/2005 ISSUED BY THE R.1.

EXT.P.4: COPY OF THE NOTIFICATION NO. 66/2005 DTD. 22/12/2005.

EXT.P.5: COPY OF THE REPRESENAION FILED BY THE R.2. BEFORE THE SECRETARY, DEPARTMENT OF GENERAL EDUCATION, TVM.

EXT.P.6: COPY OF THE G.O. (RT). NO. 3443/2006/G. EDN. DTD. 07/08/2006.

EXT.P.7: COPY OF THE INTERIM ORDER IN W.P.(C). NO. 25633/2006 DTD. 29/09/2006.

EXT.P.8: COPY OF THE G.O. (RT). NO. 123/2007/G. EDN. DTD. 09/01/2007.

EXT.P.9: COPY OF THE JUDGMENT IN W.P.(C). NO. 25633/2006 DTD. 05/03/2007.

EXT.P.10: COPY OF THE WRITTEN SUBMISSION GIVEN BY THE MANAGER.

EXT.P.11: COPY OF THE MEMO NO. ACD. B3/20444/HSE/04 DTD. 10/04/2007.

EXT.P.12: COPY OF THE ORDER NO. ACD.B3/2044/HSE DTD. 16/07/2007.

RESPONDENT'S EXHIBITS:

EXT.R2.(1): COPY OF THE G.O. (MS). NO. 338/2003/G. EDN. DTD. 16/12/2003.

EXT.R2.(2): COPY OF THE LETTER NO. ACD. B3/12035/HSE/2004 DTD. 01/08/2004.

EXT.R2.(3): COPY OF THE G.O. (MS). NO. 11/2006/G. EDN. DTD. 06/01/2006.

EXT.R2.(4): COPY OF THE CIRCULAR NO. ACD. B1/11646/HSE/2003 DTD. 25/02/2006.

EXT.R2.(5): COPY OF THE CIRCULAR NO. 23184/T1/2006/G. EDN. DTD. 20/05/2006.

EXT.R2.(6): COPY OF THE LETTER NO. 5/06 DTD. 07/01/2006.

EXT.R2.(7): COPY OF THE ARGUMENT NOTE SUBMITTED BY THE R.3.

//TRUE COPY//

prv.

A.K. Basheer, J.

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W.P(C) No. 23985 of 2007

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Dated this the 16th day of August, 2007.

J U D G M E N T

This Writ Petition is at the instance of the Manager of an aided Higher Secondary School. He impugns Ext.P12 order passed by respondent No.1 by which he has been directed to conduct fresh selection to the post of Principal in the school by constituting a Selection Committee.

2. It is submitted on behalf of respondent No.3 who was selected to the post that there was no flaw in the selection process as found by respondent No.1. However, learned counsel for respondent No.2 submits that the action of the Manager was not beyond reproach and the selection process was in fact vitiated.

3. Anyhow I do not propose to go into those areas of controversy at this stage since in my view the impugned order is liable to be quashed for the sole reason that it is totally laconic. The authority concerned has not stated any reason or ground as to why the selection process had been found to be vitiated or invalid.

4. In my view the authority has to necessarily reconsider the matter. This shall be done as expeditiously as possible at any rate within six weeks from the date of receipt of a copy of this judgment. Respondent No.1 shall ensure that petitioner, respondents 2 and 3 and all others who are likely to be affected, are afforded sufficient opportunity to be heard before any decision is taken in the matter.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. Basheer
Judge.

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